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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,929	08/20/2007	Holger Bauer	2003P15370WOUS	3756

22116 7590 10/26/2010  
SIEMENS CORPORATION  
INTELLECTUAL PROPERTY DEPARTMENT  
170 WOOD AVENUE SOUTH  
ISELIN, NJ 08830

EXAMINER
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WONGWIAN, PHUTTHIWAT

ART UNIT	PAPER NUMBER
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3741

MAIL DATE	DELIVERY MODE
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10/26/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/589,929	<b>Applicant(s)</b> BAUER ET AL.	
	<b>Examiner</b> PHUTTHIWAT WONGWIAN	<b>Art Unit</b> 3741	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9-12 and 14-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-12 and 14-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Amendment*

1. This office action is responsive to the amendment filed on 09/13/2010. Claims 1-8 and 13 have been canceled, claims 18-22 have been added and accordingly claims 9-12 and 14-22 are currently pending in this application.

### *Response to Arguments*

2. Applicant's arguments with respect to claims 9-12 and 14-17 have been considered but are moot in view of the new ground(s) of rejection in the independent claims 9 and 14, "a cavity in the housing" and "tap line downstream of the cavity".

### *Specification*

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. **It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.**

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4. The abstract of the disclosure is objected to because the abstract of the current application should avoid the phrase "The invention relates to". Correction is required.

See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 9-10, 14-15, 18, 20 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Feulner (US Patent No. 6,574,965).

7. As to claim 9, Feulner discloses a gas turbine having a compressor 12 (fig. 1), comprising: a compressor housing 20 (fig. 4) coaxially surrounding the compressor 12 (fig. 4); a cavity 64 (fig. 4) in the housing configured to thermally influence (fig. 4) the housing 20 (fig. 4), and a tap line (fig. 6) in flow communication with the cavity for [intended use] extracting a portion of a compressed fluid flow of the compressor; and a locking device 76 (fig. 4) arranged in line with the tap line 66 (fig. 4) and downstream of the cavity 64 (fig. 4) that locks off the extracted compressed flow through the tap line.

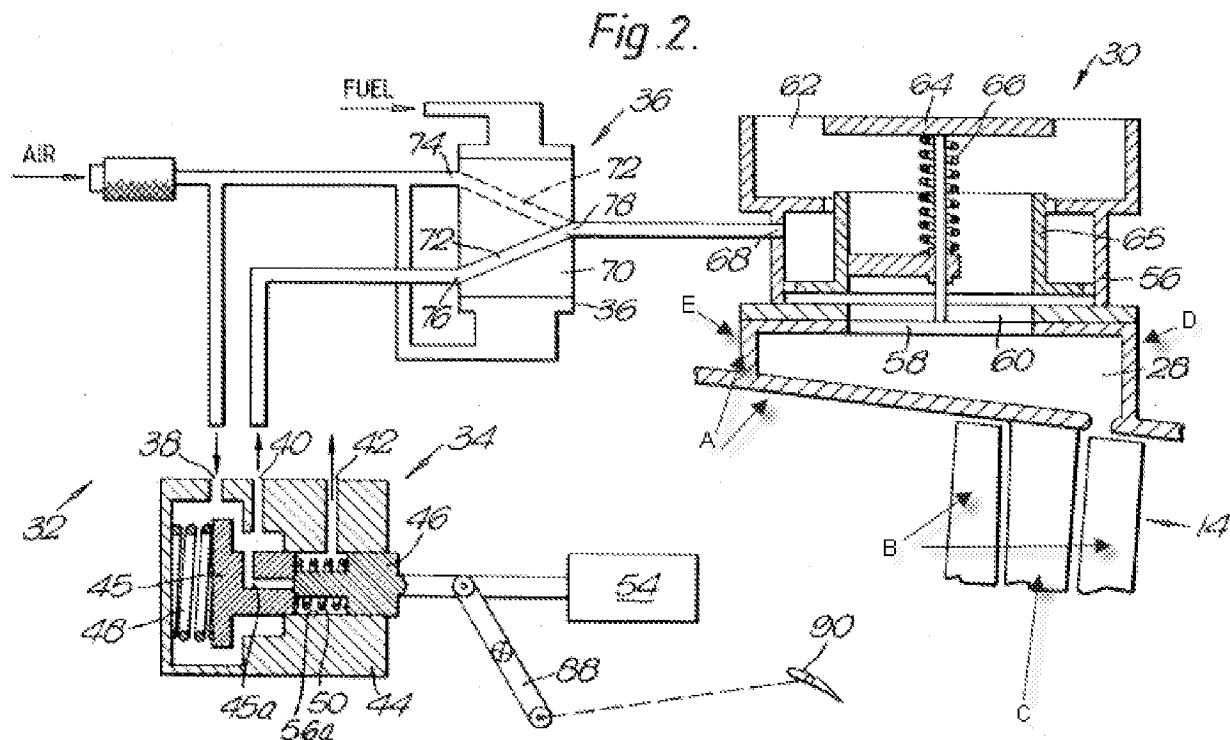
8. As to claim 14, Feulner discloses an axial flow compressor 12 (fig. 4) configured [intended use] for operation with a gas turbine engine, comprising: a compressor rotor 30 (fig. 4) arranged along an axis (fig. 4) of the compressor; a plurality of compressor blades 34 (fig. 4) arranged on the rotor in axial stages; a compressor housing 20 (fig. 4)

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coaxially surrounding the rotor; a cavity 64 (fig. 4) in the housing configured to thermally insulate (fig. 4) the housing, and a tap line 66 (fig. 4) in flow communication with the cavity for [intended use] extracting a portion of a compressed fluid flow of the compressor; and a plurality of stationary compressor blades 56 (fig. 4) secured to the housing arranged in axial stages; a locking element 76 (fig. 4) arranged in the tap line downstream of the cavity to block off the flow of removed air (fig. 4).

9. As to claims 10, 15, 18, 20 and 22, Feulner discloses the locking device is a valve 76 (fig. 4), wherein the cavity extends downstream from the tap (fig. 4, extends downstream from the tap line portion that connect to 64), within the housing 20 (fig. 4), over at least two rows of the compressor blades 34 (fig. 4) and wherein the valve is open during operation of the gas turbine (fig. 4), and is closed or partially closed during a shutdown of the gas turbine (fig. 4, inherent that the valve will close when the engine is not operable).

10. Claims 9-10, 14-15 and 18-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Cureton (US Patent No. 4,702,070).



11. As to claim 9, Cureton discloses a gas turbine having a compressor 14 (fig. 2), comprising: a compressor housing A (fig. 2 above) coaxially surrounding the compressor; a cavity 28 (fig. 2) in the housing configured to thermally influence (fig. 2 above) the housing, and a tap line 62 (fig. 2) in flow communication with the cavity for [intended use] extracting a portion of a compressed fluid flow of the compressor; and a locking device 30 (fig. 2) arranged in line with the tap line and downstream of the cavity that locks off the extracted compressed flow through the tap line (fig. 2).

12. As to claim 14, Cureton discloses an axial flow compressor 14 (fig. 1) configured for [intended use] operation with a gas turbine engine, comprising: a compressor rotor 20 (fig. 1) arranged along an axis of the compressor; a plurality of compressor blades B (fig. 2 above) arranged on the rotor in axial stages; a compressor housing A (fig. 2

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above) coaxially surrounding the rotor; a cavity 28 (fig. 2) in the housing configured to thermally insulate (fig. 2) the housing, and a tap line 62 (fig. 2) in flow communication with the cavity 28 (fig. 2) for [intended use] extracting a portion of a compressed fluid flow of the compressor; and a plurality of stationary compressor blades C (fig. 2) secured to the housing arranged in axial stages (fig. 1); a locking element 30 (fig. 2) arranged in the tap line downstream of the cavity to block off the flow of removed air (fig. 2).

13. As to claims 10, 15, 18-22, Cureton discloses the cavity 28 (fig. 2) extends downstream from the tap 62 (fig. 2), within the housing, over at least two rows of the compressor blades B (fig. 2 above), wherein the cavity is radially larger at a downstream end D (fig. 2 above) thereof than at an upstream end E (fig. 2 above) thereof and wherein the valve is open during operation of the gas turbine (fig. 2 above), and is closed or partially closed during a shutdown of the gas turbine (inherent).

14. Claims 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Conrad (US Patent No. 3,964,102).

15. As to claims 9-10, Conrad discloses a gas turbine having a compressor 14 (fig. 1), comprising: a compressor housing 11 (fig. 1) coaxially surrounding the compressor 14 (fig. 1); a cavity 22 (fig. 1) in the housing configured to thermally influence (fig. 1) the housing, and a tap line 25 (fig. 1) in flow communication with the cavity 22 (fig. 1) for [intended use] extracting a portion of a compressed fluid flow of the compressor; and a locking device 27 (fig. 1) arranged in line with the tap line and downstream of the cavity

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22 (fig. 1) that locks off the extracted compressed flow through the tap line (fig. 1) and wherein the locking device is a valve 27 (fig. 1).

***Claim Rejections - 35 USC § 103***

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 11-12 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feulner in view of Chapman (US Patent No. 2,837,270).

18. As to claims 11-12 and 16-17, Feulner discloses the tap line has an entrance 62 (fig. 4) and an exit (fig. 4, downstream of 76) but does not disclose *a second locking device arranged between the tap line entrance and the cavity that locks off the extracted compressed flow into the cavity and wherein the second locking device is a valve.*

However, Chapman teaches a compressor manifold 44 (fig. 1) having a locking device first 54 or 56 (fig. 1) and a second locking device 52 (fig. 1) arranged between the tap line entrance 62 (fig. 1) and the cavity 26 (fig. 1) that locks off the extracted compressed flow into the cavity and wherein the second locking device is a valve 52 (fig. 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Feulner's invention to include *a second locking device arranged between the tap line entrance and the cavity that locks off the extracted*



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*compressed flow into the cavity and wherein the second locking device is a valve, as suggested and taught by Chapman, for the purpose of providing an addition valve to the tap line in case of the failure of the first valve, thereby, the engine operates more efficient.*

### ***Conclusion***

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUTTHIWAT WONGWIAN whose telephone number is 571-270-5426. The examiner can normally be reached on Monday - Thursday, 7:30am - 5:00pm EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MICHAEL A. CUFF can be reached on 571-272-6778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. W./  
Examiner, Art Unit 3741

/Michael Cuff/  
Supervisory Patent Examiner, Art Unit 3741